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July 12. 1853 .
from
ECCLESIASTICAL DUTIES AND
REVENUES BILL.

LORD LYTTELTON'S
SPEECH

IN THE
HOUSE OF LORDS, MONDAY, JULY 27, 1840.

The order of the day for the Second Reading of the Bill having been read, his Lordship rose and said :—

“ My Lords—I have heard with great regret the determination of the noble viscount and the most rev. primate to proceed with this bill ; and I cannot allow it to pass without protesting against it.

“ My Lords—This subject, fully treated, is of great extent and great difficulty ; but, in the remarks with which I am going to trouble your Lordships, I propose very much to narrow the ground upon which it may be considered. I will take no exceptions to the composition of the Commission : nor will I speak of any illustrations which that composition may have received from any of the proceedings of the Commission previous to the introduction of this bill. Nor will I dispute the right of the Legislature to deal with these revenues as it thinks fit. He will be a much bolder, and a very much abler man than I, who will venture upon that ground, after the remarks of the learned counsel on Friday evening. I will take a lower and a simpler ground ; and endeavour to show that the bodies to which this bill refers have important functions vested in them, provisions for which at this moment lie dormant in their statutes, essential at all times to be exercised, most essential at this time, and that the true duty of the Legislature is, if needful, to *enforce* the due performance of their functions.

“ My Lords—I say that this is the true ground on which these institutions should be defended, and that this is the ground which has always been taken by their best defenders. This was the ground taken in an excellent pamphlet by Mr. George Selwyn, to which I just allude, for the purpose of objecting to an interpretation put upon a passage in it by a Right Rev. Prelate in his Charge. The Right Rev. Prelate says, ‘ It has been asked “ Are cathedral institutions useless ? ” and the ingenious querist, in order to prove them useful, sets himself to prove that they *might be made* to answer

several good purposes, *which they do not answer as at present constituted.* My Lords, this is the exact reverse of what the author of the pamphlet says; it is the exact reverse of what has always been said in defence of these institutions. We say—the author of the pamphlet says—that these bodies do not answer those good purposes, *because they do not act according to their constitution*, in the very words of the Right Rev. Prelate, *as at present constituted*; that the purposes are involved in the constitution; and that what is now required is to bring back their action to a state of harmony with their principles. Here is a material difference; and, my Lords, I submit that even on the ground of expediency, we stand in a position of some advantage, when defending institutions not on account of some presumed use to which they might be applied, but in virtue of ancient principles inherent in them—principles which were formerly called into action, and which seem to have given to them vitality to endure through so long a time. I say that it is better and wiser to make such institutions work in accordance with such principles, than thus throw them, as it were, into the middle, to try what new results may be drawn from them.

“ My Lords—What those functions were to which I refer, I find so happily and comprehensively sketched by a writer whose opinion, in this case, as I think I can show your lordships, has some weight, that I will take the liberty of reading the passage, and making it the text of the remarks with which I shall trouble your lordships. The Rev. Sydney Smith, with whose general conclusion I agree, but with most of whose arguments, and whose whole mode of viewing the subject, I am compelled to differ—throws out, quite loosely and carelessly, in a corner of one of his pamphlets, the following remarks:—‘ I cannot help thinking that a great opportunity has been lost of improving the discipline of the Church by means of those very institutions which Lord J. Russell is so anxious to destroy. Divide the diocese among the members of the chapter, and make them responsible for the superintendence of the clergy in their several divisions, under the supreme control of the Bishop. By a few additions they might be made the Bishop’s council, for the trial of delinquent clergymen. They might be made a sort of council for the general care of education throughout the diocese, and applied to a thousand useful purposes, which would have occurred to the commissioners, if they had not been so dreadfully frightened, and to the Government, if their object had been, not to please the Dissenters, but to improve the Church.’ Now, my lords, without in the least admitting any of the imputations implied in the above passage, what I wish to urge upon your lordships is this:—If this powerful writer had not been, as he somewhere calls himself, so determined a hodiist—if he had con-

descended to look a little into the ancient history and inherent principles of these institutions, he would have found that the very offices which he thus conjectures these bodies might perform are, with almost a curious exactness, the offices which they were intended to perform, which in former days they did perform, and the performance of which might and should be now required of them. And, my Lords, I think this should rather dispose us to consider whether such be not the right way to deal with these bodies, when we find that this writer, evidently not thinking nor caring about their ancient principles, but merely conjecturing what might be the best use to which they might be turned, precisely hits upon the very functions which they *were* intended and framed to perform.

“My Lords—Even in inquiring briefly into these functions, I must apologise if I appear to go over part of the same ground which was trodden by the learned counsel. My Lords, it could not be otherwise. That learned counsel exhausted the subject; and all that remains to do is to support, as I shall attempt to do, by a few arguments and citations, the positions which he advanced.

“My Lords—Following the plan I proposed, I look at the first of Mr. Sydney Smith’s propositions, which is this:—‘Divide the diocese among the members of the chapter, and make them responsible for the superintendence of the clergy in their several divisions, under the supreme control of the Bishop.’ Now, it is notorious that originally the chapters were much more than this. The cathedrals were the fountains from which flowed the stream of religious instruction which Christianised the land. Selden, quoting from an ancient authority, calls the capitular bodies ‘*Singularum ecclesiarum presbyteri, qui populum erudire debent.*’ In confirmation of which I would refer to the words of the charter of the cathedral of Ely, given by Henry VIII.: ‘*Statuimus et volumus, ut decanus et canonici in verbo DEI seminando sint seduli, cum alias, tum præcipuè in ecclesiâ nostrâ cathedrali,*’—words which show, assuming the constitution of similar bodies to have been similar to this, that the operation of these bodies was intended to be co-extensive with the *diocese* belonging to the cathedral city in which they were placed.

“Such, then, was the case in former times. My Lords, I say that the same necessity, the same machinery, the same power, the same responsibilities exist at this day and ought to be called into action. Will it be said that the country *is* Christianised, and that the division of it into parishes supersedes the necessity for the diffusive agency of the chapters? We answer by denying the fact: the country is *not* Christianised fully, and re-conversion is often more difficult than conversion, opposing peculiar obstacles which do not impede the latter. Undoubtedly the parochial

division of the country makes a modification necessary of the system in which chapters should act; and this is just what we should expect. Principles are everlasting; the mode in which they should be carried out varies from time to time. And the modification I mean is, of course, the introduction of Archdeacons; their duty being to have a general superintendence of the clergy and the state of the whole diocese. Will it be answered that Archdeacons still remain? But the Archdeacons of former times differed from the present ones in two most important particulars; first, they were in number proportioned to the size of each diocese; secondly, they were always members of the chapter. The first provided for the real and efficient supervision of the diocese; the second gave to their charge that character of organization and reference to a central point of unity, which is the essential principle of these institutions. This has now ceased to be the case, and this requires to be restored.

“My Lords—The second point which Mr. S. Smith mentions is this:—By a few additions, they might be made the Bishop’s council for the trial of delinquent clergymen. My Lords, I am aware that the subject to which these words point is one of some delicacy, and I will not venture to treat it otherwise than generally. It is well known that originally the capitular bodies were council to the Bishop in a more extensive sense than is here indicated. But I will first produce one or two passages to shew that they were so especially for the purpose which Mr. Sydney Smith conjectures they might be. Dr. Hacket, the apologist of deans and chapters before the Long Parliament, says, ‘I would first allege that which is the *real and proper purpose* of these bodies, and for which they were originally instituted—namely, that they should aid the bishop with their advice and assistance *in his censures*, if there should be any thing wrong either in the doctrine or the manners of the clergy.’ And this is established by the following passage from the ancient Ecclesiastical Constitutions:—‘But if any thing should be so bad [in a clergyman] as to require either deprivation or deposition from the ministry, let the bishop enforce it, *with the assistance of the dean, the chancellor, and some of the prebendaries.*’ If the noble lord (Lord Ellenborough) who is not now in his place, and who complained the other night of the want of some authority to remove unfit persons from the ministry, were now present, I think he would see that this bill, which I fear he supports, destroys the very machinery for ever by which formerly the object which he wishes to see accomplished was attained in a proper manner. Moreover, I think the fitness of these bodies for these purposes has been indirectly recognized to a certain degree, even in these days, when they have fallen into comparative inaction, in the bill

for Church discipline introduced by the noble and learned lord on the woolsack; in which it is provided that some members of the chapter shall be of the tribunal appointed by the Bishop for the trial of criminal clerks. But further, my lords, I must express my conviction that the ancient and true form of Episcopacy was that in which the power of the bishop was exercised with far greater co-operation on the part of the chapters than has been the practice for a long time past. I need hardly remind your Lordships of what importance this question was during the century following the Reformation. This is the sentence of Lord Bacon—‘There are two things in the jurisdiction of bishops which I never can approve; the first is the sole exercise of their authority; and looking a little lower down, to a most important crisis, the time of the Savoy conference, we shall find that this was the point on which the dispute between the Puritans and the high Church party hinged so materially, that it seems as if it might have been settled, had some concessions been made in the direction which I allude to. In the address of the Puritans to Charles II., in the year 1661, we find the following:—‘We do not renounce the true, ancient, primitive, Episcopacy or presidency, as it was balanced with a due commixture of Presbyters.’ And in the reply of the King:—‘No Bishop shall ordain or exercise any part of the jurisdiction which appertains to the censure of the Church without the advice and the assistance of the Presbyters.’ And even in the Bishop’s answer, upon which the negotiation was finally broken off, it is said:—‘They do not find that the Bishop’s authority was balanced by any authoritative commixture of Presbyters, *though it hath been at all times exercised with the assistance and counsel of Presbyters in subordination to Bishops*. So that even the extreme high Church party did not assert the exercise of the Bishop’s authority without the regular co-operation of the Presbyters. My lords, such has not been the case for a long time past, and I do not think it will be well with the Church till that practice is restored. The consequence of this question being unsettled in the seventeenth century was schism in the Church of England, and the separation, which I consider lamentable, between the Churches in the two neighbouring countries. I do not know whether noble lords opposite connected with Scotland, and particularly the noble earl (Aberdeen) who has in this session shown such intimate knowledge of the history of the Kirk, take much interest in this view of the subject, or in any thing which may seem to give a hope of future union between the Churches; but at all events I will put it to him whether there is not evidence in history to shew that the point I have been treating was that on which the controversy very materially turned. The result was in both countries, in the words of a writer to whom I

am indebted for the suggestion of this particular view of the subject, that 'England lost her Presbyterate, Scotland her Episcopate; and the effects have been evil for both.' Nor do I believe that there is a chance of that evil being healed, but by some re-organization of the machinery which this bill destroys.

"I will now touch briefly, and abstaining, as I have done throughout, from any reference to details, on the third point, which Mr. Sydney Smith mentions, in these terms:—'*They might be made a sort of council for the general care of education through the diocese.*' In this respect, too, he has but proposed what was one of the essential purposes to which these bodies by their constitution were applied. One of their members had the particular charge of education through the diocese entrusted to him; this member, as your Lordships well know, was the chancellor. So, in Dr. Hacket's speech, to which I before referred: 'First, our principal grammar schools in the kingdom are maintained by the charity of these Churches, the care and discipline of them is set forward by their oversight; fit masters are provided for them, and their method in teaching frequently examined.' And for a general testimony to this effect, I refer to the following passage from the historian of the Council of Trent:—'*Some proposed to revert to the ancient custom in all cathedrals, which was even then in use in some, when the monasteries and chapters were simply schools.*' My lords, I say this principle is essential to be revived; and that this too has been indistinctly recognised in the present day, when in all dioceses, with the general approbation of churchmen, diocesan boards of education have been established. The central organization which is aimed at in them is the very same which was secured by the former system, and I believe that were these institutions and the church in a healthy state they would be taken as the groundwork and chief element of the movement for education now in progress.

"My Lords—I have now gone through all the points—comprehensive points, as it seems to me—which I proposed. I have taken, throughout, the lowest ground of utility, leaving the higher to those who can better handle them. I have not even mentioned that which, nevertheless, I cannot but feel warmly, the subject of daily worship—as it has been beautifully called, 'the daily intercession of cathedrals.' Will this be duly kept up with the diminished numbers proposed by this bill? Those who must best know—the chapters themselves—in several of their memorials tell you that it cannot.

"My Lords—I am at least confident that I shall not be accused of upholding sinecure offices. I am pleading for the re-imposition on these bodies of important duties and heavy responsibilities.

But there is one point which usually is insisted on, but which I do not press, from the view which I have taken, which I will just mention in reference to a particular subject, namely, the value of these institutions as affording what is called ‘learned leisure’ to studious clergymen. I would only say that I believe they have been of considerable service to the universities in this respect; and in the college to which I belong, Trinity College, Cambridge, I believe that the anticipation of this measure has had an injurious effect.

“My Lords—Looking at the originators of this bill, I hope I may assume that it is intended as a direct benefit to the Church. I therefore may consider the question, ‘What are the wants of the Church at this day?’ My lords, I believe that the want most experienced is that the Church should be *felt* as a living power, and a principle of active beneficence; that there should be a complete and sound organization, and, above all, unity of action in the Church. And I am convinced that, in this view, these institutions should be revived and put into action, instead of being dealt with as this bill proposes; and that the Church will never be restored to its true condition till that is done. Will it be said that all I have alleged may be admitted, and yet that it nowise bears on the present question, for that all the functions of chapters may be equally performed with their numbers as reduced by this bill? My lords, I answer that it is impossible seriously to maintain this. Four canons may, perhaps, perform the duties as they have lately been measured; but assuredly not their full functions, as I contend that, according to their constitution, they should be executed. The bill itself shows that this could not be intended; because if it were, the number of canons in each diocese, instead of being uniform, would vary according to their different sizes: if four is enough for a large diocese, it must be too many for a small one. For the same reason I hope your lordships will think that I am absolved from the task of attempting to answer the arguments of the Most Reverend Primate and the noble Viscount, which all proceeded on a much lower view of the duties of chapters than I am inclined to take. The noble Viscount, indeed, considers all these duties most unfit for such bodies. But he merely stated his opinion, which will, of course, go for much more than mine. I have endeavoured, on the contrary, to show to your Lordships that these functions are essential to the Church.

“There is, however, one argument of the Most Rev. Primate which is so strange that I will just notice it. He thinks this bill will be an example to others to come forward to contribute towards the same objects. My Lords, how should this be? Confiscation operate as an encouragement to endow! How should any man devote his means to endowment when he does not know whether

his endowment may not be diverted at any time to purposes quite different from what he intended?

“ My Lords—Unquestionably some contribution, even in money, may be fairly demanded of these bodies towards the objects of this bill. But in what way? I conceive the true principle was indicated by the noble Earl opposite (Lord Harrowby), in an able pamphlet, written thirty years ago, and republished in 1831, and upon which was founded a bill introduced by the Most Rev. Primate, namely, that of drawing from their incomes contributions towards those parishes whose tithes are appropriated to them. This is a sound principle, and I regret that the noble Earl who indicated it is now one of the most powerful supporters of this bill.

“ My Lords, at the least and worst, if these revenues are to be abstracted, there is yet another point which I would most earnestly press upon your Lordships. Parliament may have the right—at all events I have not been disputing it—to deal with the revenues as it chooses. But I do most emphatically deny the right of Parliament to destroy the offices themselves. A Most Rev. Prelate, some time ago, laid it down, with the apparent approbation of your Lordships—certainly with the expressed approbation of some of the ablest supporters of this bill—that Parliament ought not to interfere with anything but the temporalities of the Church. The same has been admirably maintained by Mr. Manning, in a pamphlet, with every word of which I agree; and I, for one, will not allow this bill to pass without attempting to persuade your Lordships to retain the offices even without emolument.

“ My Lords, it is under the greatest discouragement that any attempt is made to resist this bill. We know that it is introduced by those to whom, for every action previous to the formation of this Commission, the whole Church feels the deepest gratitude, and the most entire confidence. But it is no consolation to us to know that so dangerous a measure to the Church is promoted by those who have been her ablest defenders. Rather, when I look at this measure of wild and baseless confiscation, and see the venerable authority under which it is introduced, I cannot but tremble—I do not say for the Church, or for the establishment of the Church—I tremble for none but those who do wrong—but for the nation that does this evil; for the age that has produced such a portent.”

